

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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TRUSTEES OF THE NORTHEAST
CARPENTERS HEALTH, PENSION, ANNUITY,
APPRENTICESHIP, and LABOR
MANAGEMENT COOPERATION FUNDS,

FILED
CLERK

4:46 pm, Jan 19, 2022

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Petitioners,

-against-

ORDER

19-CV-03725 (JMA) (AYS)

SUPERIOR STEEL DOOR & TRIM CO., INC.

Respondent.

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AZRACK, United States District Judge:

Before the Court is the unopposed motion of petitioners Trustees of the Northeast Carpenters Health, Pension, Annuity, Apprenticeship, and Labor Management Cooperation Funds to confirm a “Collection Award and Order” issued against respondent Superior Steel Door & Trim Co., Inc., on March 21, 2019 (the “Arbitration Award”). (Petition (“Pet.”), Ex. H, ECF No. 1.) The Arbitration Award directs respondent to: pay petitioner the sum of \$37,281.34, consisting of:

- a principal deficiency of \$26,852.16;
- interest of \$1,014.70;
- liquidated damages of \$7,764.48;
- attorneys’ fees of \$900.00 plus interest on the attorneys’ fees at the rate of 10% from the date of the Award; and
- the arbitrator’s fee of \$750.00 pursuant to the Collective Bargaining Agreement.

(Pet., Ex. H at 2.) The Arbitration Award also directs respondent to submit timely contributions

to petitioners going forward to pay for all court costs incurred to enforce the Arbitration Award. (Id.) On July 2, 2019, petitioners served a copy of the petition and its supporting memorandum of law on the Secretary of State pursuant to the New York Business Corporation Law § 306. (Aff. of Service., ECF. No. 8.) Respondent has not responded to the petition.

Petitioners now ask the Court to: (1) confirm the Arbitration Award; (2) award petitioners the remaining balance of \$37,281.34 pursuant to the Arbitration Award plus interest from the date of the Award through the date of judgment; and (3) award petitioners \$1,487.50 in attorneys' fees and costs. (Pet. at 7.) Because respondent has not answered the petition, the Court treats the petition as an unopposed motion for summary judgment. See D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 109–10 (2d Cir. 2006).

After reviewing the petition, and its supporting documents, the Court grants petitioners summary judgment and confirms the Arbitration Award as to the balance of \$37,281.34. Further, the Court awards petitioners attorneys' fees and costs totaling \$1,487.50. In addition, the petitioner is awarded post-judgment interest. Post-judgment interest should be calculated at the rate provided by 25 U.S.C. § 1961(a) from the date final judgment is entered until the date the judgment is paid. The Clerk of the Court shall enter judgment in favor of petitioners consistent with this order and close this case.

SO ORDERED.

Date: January 19, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE